

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

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www.delraybeachfl.gov



Minutes - Draft

Tuesday, April 16, 2024

5:00 PM

Regular Meeting at 5:00 PM

Delray Beach City Hall or Watch on YouTube:

<https://www.youtube.com/channel/UCc2j0JhnR8Hx0Hj13RhCJag/s>
treams

City Commission

Mayor Thomas F. Carney, Jr.

Vice Mayor Juli Casale

Deputy Vice Mayor Rob Long

Commissioner Tom Markert

Commissioner Angela Burns

1. ROLL CALL

The Regular City Commission Meeting was called to order at 5:05 p.m.
City Clerk, Katerri Johnson, called the roll and the following were present:

Terrence Moore - City Manager

Lynn Gelin - City Attorney

Present: 5 - Deputy Vice Mayor Rob Long, Commissioner Angela Burns, Commissioner Tom Markert, Vice-Mayor Juli Casale, and Mayor Thomas F. Carney Jr.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

Vice Mayor Casale requested to hear Item No. 7.C. first. Mayor Carney requested to pull Consent Item No. 6.J.7. for discussion.

A motion was made by Vice-Mayor Casale, seconded by Commissioner Markert, that this be approved as amended. The motion carried by the following vote:

Yes: 5 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, Vice-Mayor Casale, and Mayor Carney Jr.

3.A. Additions, Deletions, Substitutions

4. PRESENTATIONS:

4.A. PRESENTATION BY RHONDA GIGER OF PALM BEACH COUNTY COMMISSION ON ETHICS

Sponsors: City Clerk Department

Rhonda Gieger, with the Palm Beach County Commissioner on Ethics, provided a brief informational reminder that the Commission was created to foster public trust in its officials and hold them accountable.

The Commission thanked her for her time.

4.B. CONSIDERATIONS REGARDING IMPLEMENTATION OF THE TOURISM MASTER PLAN

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[DB Tourism Master Plan - June 2022](#)
[DB Tourism Strategic Plan - 4.9.24 Draft Presentation](#)

Don Kolodz, CEO of Tourism Strategic Solutions of Florida, presented his firm's vision for an overview of the Delray Beach Tourism Master Plan. He stated the Plan was developed to create jobs, support community

development, and drive economic value to the City of Delray Beach. Mr. Kolodz recommended city leaders and subject matter experts establish a Tourism Strategic Steering Committee.

The Commission thanked Mr. Kolodz for his presentation.

5. COMMENTS AND INQUIRIES ON AGENDA AND NON-AGENDA ITEMS FROM THE PUBLIC- IMMEDIATELY FOLLOWING PRESENTATIONS:

5.A. City Manager's response to prior public comments and inquiries

Mr. Moore informed the Commission that a report updating the public on the design-build of the new water treatment plant would be published within the next two months.

Additionally, he advised that the City Attorney's Office was finalizing the legal constraints for Airbnb in the city.

Sam Walthour, Neighborhood and Community Services Director, provided an update regarding vacation rentals in the city.

5.B. From the Public

Montre Bennett, 323 NW 2 Avenue, Delray Beach
Read a poem on peace.

Jay Alperin, 3130 Lowson Blvd, Delray Beach
Discussed the state of the grass at the City golf course.

Patty Jones, 1026 Poinsettia Road, Delray Beach
Discussed the management of the Old School Square Complex.

Bruce Leish, 335 SE 6 Avenue, Delray Beach
Expressed his concern about the City's Parking Garage rates.

Barbara Stark, President of the Milagro Center, Delray Beach
Provided an update on the Center's current initiatives.

Suzanne Boyd, Downtown Development Authority, Director of Marketing
Stated the DDA was developing a guide to assist people in navigating parking rates across the city and would introduce a new interactive website.

Siobhan Borian, 339 East Atlantic Avenue, Delray Beach
Requested the new commission to discuss downtown parking with the merchants.

Michael Ten, 3865 Sable Lakes Drive, Delray Beach
Discussed the Transportation Planning Agencies (TPA) planned road improvement for Atlantic Avenue and Lake Ida Road.

George Long, 46 North Swinton Avenue, Delray Beach
Discussed the problematic noise and code violations throughout the city.

Seeing no one else present, Mayor Carney closed public comments.

6. CONSENT AGENDA: City Manager Recommends Approval

Mayor Carney asked for a show of hands for those in favor of approving the consent agenda as amended. The vote carried as follows:

YES: 5 - Mayor Carney, Vice Mayor Casale, Deputy Vice Mayor Long,
Commissioner Burns, Commissioner
Markert

This was approved as amended.

6.A. CITY COMMISSION MEETING MINUTES

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[March 21, 2024 Special Meeting Minutes - DRAFT](#)
[March 25, 2024 Special Meeting Minutes - Declaring 3-19-2024
Election Results - DRAFT](#)
[March 28, 2024 Annual Org and Swearing In Regular Meeting
Minutes - DRAFT](#)

The Minutes were approved.

6.B. APPROVAL OF RESOLUTION NO. 83-24 AND SUBMITTAL OF A TECHNICAL ASSISTANCE VOUCHER APPLICATION TO THE UNITED STATES DEPARTMENT OF ENERGY FOR FUNDING UNDER THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM (\$128,640)

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Legal Review Res 83-24 and Authorized Applicant Assurance Letter
for DOE EECEBG application](#)
[Technical-Assistance-Voucher-App-Template_0124](#)
[DOE EECEBG Technical Assistance Voucher Ltr required per
application](#)
[Blueprint 6 Workforce Development v05 508](#)
[Res 83-24 - DOE EECEBG Program - technical assistance vouchers](#)

This Resolution was approved.

- 6.C.** RESOLUTION NO. 98-24: APPROVAL OF EXTENSION OF STATE HOMELAND SECURITY GRANT PROGRAM AGREEMENT RENEWAL WITH THE STATE OF FLORIDA, WHICH HAS THE STATUTORY AUTHORITY TO DISBURSE FEDERAL HOMELAND SECURITY FUNDS TO PARTICIPATING MUNICIPALITIES OF A REGIONAL DOMESTIC SECURITY TASK FORCE (RDSTF).

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[FY2021 SHSGP Modification #2 City of Delray Beach R0518 2](#)
[Legal Review FY2021 SHSGP City of Delray Beach Modification #2 R0518](#)
[Resolution 98-24 Mod #2 to Grant Agreement for SHSGP - reinstate and extend to 4 30 24](#)

This Resolution was approved.

- 6.D.** RESOLUTION NO. 89-24 APPROVING A MEMORANDUM OF UNDERSTANDING AND AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE SCHOOL BOARD OF PALM BEACH COUNTY, FL, FOR THE SEAMLESS SUMMER OPTION PROGRAM

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Legal Review MOU - Palm Beach School Board - Pompey Park - Summer Meals - 2024-2026 \(002\)](#)
[Res 89-24 - Agmt with School Board for Summer Meal Plan](#)
[MOU - Palm Beach School Board - Pompey Park - Summer Meals - 2024-2026 \(002\)](#)

This Resolution was approved.

- 6.E.** APPROVAL OF THE LICENSE PLATE RECOGNITION CAMERA PROGRAM LICENSE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND PALMS OF DELRAY, INC.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist_Palms of Delray](#)
[Partially Executed Agreement - Palms of Delray Inc - West Corrected](#)

This Request was approved.

- 6.F.** ITEM A-1 HOLD HARMLESS AGREEMENT FOR WORK PERFORMED WITHIN THE STATE RIGHT-OF-WAY AT 235 SE 5TH AVE.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)

[Hold Harmless Agreement for State ROW-235 SE 5th Ave - Sir II Development LLC.pdf](#)

[Legal Review Hold Harmless Agreement for State ROW - 235 SE 5th Ave - Sir II Development LLC.docx](#)

This Request was approved.

6.G. APPROVAL OF AMENDMENT NO. 2 TO EXTEND THE TERMS OF AGREEMENT NO. L2202 (POMPEY PARK IMPROVEMENT PROJECT) MADE BETWEEN THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE CITY OF DELRAY BEACH

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)

[L2202 Amendment 2 Grant Extension FDEP Delray Beach \(amendment\)](#)

[Legal Review L2202 Amendment 2 Grant Extension FDEP Delray Beach \(amendment\)](#)

This Request was approved.

6.H. PROCLAMATIONS:

6.H.1. ADMINISTRATIVE PROFESSIONALS WEEK - APRIL 21, 2024 - APRIL 27, 2024

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Administrative Professionals Week 2024](#)

This Proclamation was approved.

6.H.2. PROCLAMATION TO DESIGNATE APRIL 26, 2024 AS ARBOR DAY

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

[Arbor Day 2024](#)

This Proclamation was approved.

6.H.3. FIREFIGHTER APPRECIATION DAY

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[Firefighter Appreciation Proclamation 2024](#)

This Proclamation was approved.

6.H.4. MUNICIPAL CLERKS WEEK PROCLAMATION

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Municipal Clerks Week Proclamation 2024](#)

This Proclamation was approved.

6.I. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:

6.I.1. None

6.J. AWARD OF BIDS AND CONTRACTS:

6.J.1. APPROVAL OF RESOLUTION NOS. 35-24, 75-24, AND 76-24 TO AWARD AGREEMENTS WITH DOOR SYSTEMS OF SOUTH FLORIDA, INC., ABOVE ALL GARAGE DOOR OF SOUTH FLORIDA, INC., AND COAST TO COAST GARAGE DOOR LLC FOR THE PURCHASE, INSTALLATION, SERVICE AND REPAIR OF OVERHEAD ROLL-UP DOORS AND GRILLS, AND HYDRAULIC BI-FOLD DOORS, PURSUANT TO DEERFIELD BEACH ITB #22-24-PC IN THE AMOUNT OF \$400,000.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[P2024-013 Door Systems of S Florida](#)
[P2024-013 Above All Garage Door of S Fl](#)
[P2024-013 Coast to Coast Garage Door LLC](#)
[Res 35-24 Deerfield Beach Piggyback - Door Systems of South Florida](#)
[Res 75-24 Deerfield Beach Piggyback - Above All Garage Door of South Florida](#)
[Res 76-24 Deerfield Beach Piggyback - Coast to Coast Garage Door](#)
[Door Systems of S FLA LR City of Deerfield Piggyback](#)
[Above All Garage Door of South Florida LR City of Deerfield Piggyback](#)
[Coast to Coast Garage Door LR City of Deerfield Piggyback](#)
[Deerfield Beach Agreement ITB 22-24-PC](#)
[Deerfield Beach ITB 22-24-PC](#)

This Resolution was approved.

- 6.J.2.** APPROVAL OF RESOLUTION NO. 48-24 TO AWARD A CITY STANDARD AGREEMENT WITH TT FASTER LLC DBA FASTER ASSET SOLUTIONS FOR SOFTWARE UPGRADES, LICENSES, SUPPORT AND MAINTENANCE, AND DATA AND MIGRATION SERVICES IN THE AMOUNT OF \$174,318.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Agreement CS2024-003 TT FASTER LLC - Fleet Management Software](#)

[Agreement CS2024-003 TT FASTER LLC - Fleet Management Software - Additional Terms- FINAL](#)

[Ex A to City Standard Agmt with TT FASTER LLC](#)

[Ex A to Res 48-24 City Standard Agmt with TT FASTER for Fleet Management](#)

[Legal Review Checklist Agreement CS2024-003 TT FASTER LLC - Fleet Management Software](#)

[Res No. 48-24 City Standard Fleet Management Software - TT FASTER LLC](#)

This Resolution was approved.

- 6.J.3.** APPROVAL OF RESOLUTION NO. 67-24 TO AWARD AN AGREEMENT TO NORTHWEST EXTERMINATING CO., LLC. FOR PEST CONTROL SERVICES PURSUANT TO INVITATION TO BID NO. 2024-007 IN THE AMOUNT OF \$81,450.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[ITB 2024-007 Pest Control Agreement with Signature](#)

[Legal Review ITB 2024-007 Pest Control Services](#)

[Resolution 67-24 Pest Control Services](#)

[ITB 2024-007 Advertised Packet for Bid](#)

This Resolution was approved.

- 6.J.4.** RESOLUTION NO. 84-24 PARTIALLY REPEALING RESOLUTION NO. 26-24, REVOKING APPROVED PURCHASE ORDERS TO ALAN JAY FORD LINCOLN MERCURY, INC. TO ACQUIRE FIVE TOYOTA HIGHLANDER VEHICLES AND TO AMERI-RECREATIONAL SPORTS, LLC. TO ACQUIRE FOUR 2024 POLARIS SPORTSMANS AND APPROVING PURCHASE ORDERS TO ALAN JAY CHEVROLET CADILLAC UTILIZING SOURCEWELL CONTRACT NO. 091521-NAF TO ACQUIRE FIVE CHEVY TRAVERSE VEHICLES AND TO AMERI-RECREATIONAL SPORTS, LLC. UTILIZING FLORIDA SHERIFF'S ASSOCIATION CONTRACT NO. FSA23-EQU21.0 TO

ACQUIRE FOUR 2024 YAMAHA KODIAKS.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Reso No. 84-24 Repeal and Replace POs](#)

[Legal Review Res 84-24 - Repeal 26-24 POs and Approve New POs](#)

[FY24 Master Vehicle Resolution List - REVISED](#)

[Sourcewell 091521-NAF Contract](#)

[Sourcewell 091521-NAF Pricing](#)

[Quote - Chevy Traverse](#)

[FSA23-EQU21.0 Contract](#)

[FSA23-EQU21.0 Bid Award - Yamaha Kodiak](#)

[Quote - Yamaha Kodiak](#)

This Resolution was approved.

6.J.5.

APPROVAL OF RESOLUTION NO. 94-24 TO AWARD AN AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE SWINTON AVENUE & ATLANTIC AVENUE INTERSECTION IMPROVEMENTS PROJECT, PURSUANT TO RFQ NO. 2023-012 IN THE AMOUNT OF \$831,005.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Agreement RFQ 2023-012 with Kimley-Horn & Associates Inc.](#)

[Exhibit A and B Agreement RFQ 2023-012 - Kimley Horn - Swinton and Atlantic Intersection Improvements](#)

[Res 94-24 - RFQ 2023-012 - Kimley Horn - Design of improvements to Swinton and Atlantic](#)

[Legal Review Checklist Agmt for RFQ 2023-012 - Kimley Horn - Improvements to intersection of Swinton and Atlantic](#)

[Kimely-Horn & Associates, Inc. Bid Summittal RFQ 2023-012](#)

[RFQ 2023-012 Final Summary](#)

This Resolution was approved.

6.J.6.

APPROVAL OF AMENDMENT NO. 2 TO RFP 2021-034 WITH BLACK & VEATCH MANAGEMENT CONSULTING, LLC FOR SERVICES RELATED TO THE STORMWATER UTILITY RATE STUDY IN THE AMOUNT OF \$38,674, FOR A REVISED CONTRACT TOTAL OF \$218,103.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Amendment No. 2 to RFP 2021-034 Stormwater Utility Rate Study](#)
[Ex A to Amd #2- Stormwater Utility Rate Study -2021-034](#)
[Legal Review Checklist Amd #2 with Black Veatch Management Consulting User Study Stormwater Res. No. 172-21](#)
[Amendment No. 1 - Black & Veatch Management Consulting, LLC.](#)
[Agreement RFP 2021-034](#)
[RFP 2021-034](#)

This Request was approved.

6.J.7.

MOTION TO APPROVE ADDITIONAL SPENDING TO THE CONTRACT WITH SYNERGY NDS, INC. IN THE AMOUNT OF \$400,000. FOR DESIGN, CONSTRUCTION, AND MANAGEMENT SERVICES RELATED TO THE RECONSTRUCTION OF THE DELRAY BEACH SEABOARD AIR LINE RAILWAY STATION, FOR A REVISED CONTRACT TOTAL OF \$2,667,510.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 153-21 - Synergy NDS, Inc.](#)
[Agreement BW 2022-002 Synergy NDS Inc](#)

Mayor Carney requested Consent Item No. 6.J.7. be pulled for discussion. It became Item No. 7.B.B. on the Regular Agenda.

Mayor Carney expressed his concern about the increase in the price of this project.

Missie Barletto, Public Works Director, stated this particular project was unique in that it was managed by the contractor instead of City staff, since it was an insurance claim due to a fire. The Florida League of Cities/ Florida Municipal Insurance Trust, which insures the City, was allowing their contractor to manage the project in a way similar to a private project. Ms. Barletto reported the City had benefited financially from this arrangement with the Insurance Company.

A motion was made by Vice-Mayor Casale, seconded by Commissioner Markert, that this Request be approved. The motion carried by the following vote:

Yes: 5 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, Vice-Mayor Casale, and Mayor Carney Jr.

7. REGULAR AGENDA:

7.A. RESOLUTION NO. 81-24: A RESOLUTION OF THE CITY COMMISSION

OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING WAIVER REQUESTS TO SECTION 4.6.5(C) OF THE LAND DEVELOPMENT REGULATIONS TO APPROVE A 9-FOOT 6-INCH MASONRY WALL IN THE WEST INTERIOR SIDE YARD FOR THE PROPERTY LOCATED AT 1234 GEORGE BUSH BOULEVARD AND TO ALLOW A 10-FOOT 7-INCH MASONRY WALL IN THE REAR YARD FOR THE PROPERTIES LOCATED AT 1234, 1240, 1246, 1252, 1258, AND 1264 GEORGE BUSH BOULEVARD, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res. No. 81-24 Waiver to max wall height for 1234 1240 1246 1252](#)

[1258 and 1264 George Bush Blvd](#)

[1236 George Bush Blvd - Applicant Justification Statement](#)

[1236 George Bush Blvd - Approved Site Plan](#)

[1236 George Bush Blvd Exhibit "C" Cross Sections](#)

[1236 George Bush Blvd - Survey](#)

[1236 George Bush Blvd - Photo from neighbor to the west](#)

[1236 George Bush Blvd - Photos](#)

[Legal Review Res 81-24 - Waiver Requests for 1234-1264 George](#)

[Bush Blvd - Wall over 8 ft - 1236 George Bush Blvd LLC](#)

Mayor Carney recused himself from this item. Vice Mayor Casale read Resolution No. 81-24 into the record.

Katerri Johnson, City Clerk, swore in those individuals who wished to provide testimony on a quasi-judicial item.

Vice Mayor Casale asked her colleagues to disclose any ex-parte communications.

Vice Mayor Casale: Spoke with Mr. Schiller

Deputy Vice Mayor Long: Spoke with Mr. Schiller

Commissioner Markert: Spoke with Mr. Schiller and Mr. McAllister

Commissioner Burns: Spoke with Mr. Schiller

Anthea Gianniotis, Development Services Director, entered File No. 2022-069 and File No. 2024-069 into the record.

Neil Schiller, an attorney, stated his client was seeking a waiver request for two different wall heights to comply with FEMA's mandated elevated flooring for new construction and to provide privacy for the neighbors.

Ms. Gianniotis provided a staff report on this item. She acknowledged these requests would not result in the grant of a special privilege.

Vice Mayor Casale opened the floor to anyone who wished to speak on this item.

Jack O'Connor, 1228 George Bush Blvd, Delray Beach
Expressed his concern the walls would obstruct the sunlight and trees from the neighbors.

The Commission provided feedback on this item and suggested different methods of satisfying the residents and complying with FEMA's guidelines.

They favored approving this item with the condition that the developer finishes the wall on both sides aesthetically pleasing to its neighbors.

A motion was made by Deputy Vice Mayor Long, seconded by Commissioner Burns, that this Resolution be approved. The motion carried by the following vote:

Yes: 4 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, and Vice-Mayor Casale

Recused: 1 - Mayor Carney Jr.

7.B.

RESOLUTION NO. 85-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER REQUEST TO SECTION 4.6.5(C) OF THE LAND DEVELOPMENT REGULATIONS TO CONSTRUCT A TEN-FOOT FENCE IN THE FRONT YARD OF THE PROPERTY LOCATED AT 4645 WHITE CEDAR LANE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution 85-24 4645 White Cedar Lane Resolution](#)
[4645 White Cedar Lane Justification Statement](#)
[4645 White Cedar Lane Before and After](#)
[4645 White Cedar Lane - Site Plan](#)
[Resolution 85-24 Simple Legal Review](#)

Ms. Gelin entered Resolution No. 85-24 into the record.

Mayor Carney asked his colleagues to disclose any ex-parte communications:

Deputy Vice Mayor Long: None.

Vice Mayor Casale: What is on the server.

Commissioner Burns: None.

Commissioner Markert: None.

Mayor Carney: None.

Anthea Gianniotis entered File No. 2024-091 into the record.

Tara Patton, an attorney, was present to represent the applicant for this item. She stated the Homeowners Association of Del-Aire County Club's waiver request was part of the country club's improvements and did not impede traffic or pedestrians. The requested fence was for a pickleball court that was formerly a tennis court.

Anthea Gianniotis provided a staff report on this item.

Mayor Carney asked if there were any public comments. Seeing no one present, Mayor Carney closed public comments.

There was no cross-examination or rebuttal from either side.

A motion was made by Vice-Mayor Casale, seconded by Commissioner Burns, that this Resolution be approved. The motion carried by the following vote:

Yes: 5 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, Vice-Mayor Casale, and Mayor Carney Jr.

7.C.

CONSIDERATION OF REMOVAL OF DDA BOARD MEMBER, RICHARD BURGESS PURSUANT TO ARTICLE 8.2, SECTION 8.2.2(C) OF THE CITY OF DELRAY BEACH LAND DEVELOPMENT REGULATIONS.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Letter to Richard Burgess - Notice of Hearing on DDA Member Status \(signed\)](#)

[C23-031-Letter of Reprimand](#)

[C23-031-Public Report and Final Order](#)

[C23-031-Negotiated Settlement Agreement-signed](#)

[Burgess](#)

[Burgess 2](#)

[Burgess 3](#)

Commissioner Casale requested that Item No. 7.C. be moved to the beginning of the meeting and become Item No. 7.A.A.

Daniel Rose, an attorney, presented his findings in defense of his client, Rick Burgess, who was accused of falsifying his application to sit on the Downtown Development Authority Board (DDA). Mr. Rose stated the Commission may have unfairly targeted Mr. Burgess.

Mayor Carney opened the floor to anyone who wished to provide testimony on this item.

Ms. Gelin reminded the Commission that Mr. Rose would be allowed to cross-examine anyone who provided their testimony.

Ron Platt, 5120 Pineview Circle, Delray Beach

Discussed the findings from the Palm Beach County Code of Ethics.

Peter Arts, 1746 Fern Forest Place, Delray Beach

Stated the Commission should follow the findings from the Palm Beach County Code of Ethics.

Alan Costello, 450 East Atlantic Avenue, Delray Beach

Discussed the importance of integrity when serving on any board.

Rita Bronner, 50 East Road, Delray Beach

Stated she favored removing anyone who falsified an application to serve on a board representing the City of Delray Beach.

Christina Godbout, 8 East Atlantic Avenue, Delray Beach

Stated she favored giving Mr. Burgess a chance to serve on the DDA.

Tennille Gross, 2157 Dorson Way, Delray Beach

Stated she favored giving Mr. Burgess a second chance.

Sanda Desalong, (Desi's Second Chance), 1154 S. Ocean Blvd, Delray Beach

Expressed her gratitude to Mr. Burgess for his help in allowing her to get back into the Green Market to showcase pets for adoption.

Roberta Sizeman, VP. Desi's Second Chance

Thanked Mr. Burgess for supporting Desi's Second Chance Animal Rescue and other non-profit organizations.

Sandy Zeller, 209 NW 12 Street, Delray Beach

Stated he supported removing Mr. Burgess from the DDA.

Laura Simon, Executive Director of the DDA

Favored removing Mr. Burgess from the board.

Mavis Benson, 800 Greensward Court, Delray Beach

Stated anyone who lied on an application shouldn't be appointed to serve on the board.

Suzanne Boyd, Director of Marketing for the DDA

Stated Mr. Burgess had a political agenda for applying to the DDA.

Albert Richwagen, 298 NE 6 Avenue, Delray Beach

Expressed his concern that this matter was detouring the DDA from conducting their everyday business.

Aaron Halliburton, Manager of Luna Rosa Restaurant, Delray Beach

Stated Mr. Burgess was a valuable board member when he served on the DDA.

Suzanne Parratto, 200 NE 2 Avenue, Delray Beach

Stated she supported the DDA and its decision-making.

George Long, 46 North Swinton Avenue, Delray Beach

Stated Old School Square attracts people from all areas of the city.

Mayor Carney closed testimony for this item.

Mr. Burgess thanked everyone who had come out that evening.

The Commission engaged in a discussion on this item.

Deputy Vice Mayor Long acknowledged Mr. Burgess did not meet the criteria for removing a DDA board member, according to House Bill No. 299, which created the DDA in 1971. He recognized Mr. Burgess currently fulfills the requirements for serving on the DDA Board and favors saving the taxpayer's money by not entering into a lawsuit.

Commissioner Burns thanked Mr. Burgess for his attention to the NW/SW Community but stated she wouldn't support his remaining on the DDA Board.

Commissioner Markert wasn't in favor of allowing anyone who falsified their application to serve on any board.

Vice Mayor Casale expressed her concern about the importance of preserving the integrity of the board-member selection process.

Mayor Carney stated that Mr. Burgess did not qualify at the time of his application.

A motion was made by Vice-Mayor Casale, seconded by Commissioner Markert, that this Request be approved. The motion carried by the following vote:

Yes: 4 - Commissioner Burns, Commissioner Markert, Vice-Mayor Casale, and Mayor Carney Jr.

No: 1 - Deputy Vice Mayor Long

7.D. REVIEW AND ADOPTION OF DELRAY BEACH CITY COMMISSION LOCAL RULES OF PROCEDURE AND QUASI-JUDICIAL RULES

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Local Rules Draft \(notice of disruptive behavior\) lq rev 4-12-24](#)

Mayor Carney emphasized the importance of maintaining a respectful environment during City meetings. He favored consulting with a First Amendment specialist if more vital rules became necessary.

A motion was made by Deputy Vice Mayor Long, seconded by Commissioner Burns, that this Request be approved. The motion carried by the following vote:

Yes: 5 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, Vice-Mayor Casale, and Mayor Carney Jr.

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. None

9. FIRST READINGS:

9.A. ORDINANCE NO. 01-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, TITLE 9, "GENERAL REGULATIONS," CHAPTER 96, "FIRE SAFETY AND EMERGENCY SERVICES", SECTION 96.12, "RESERVED", TO ADOPT REGULATIONS REQUIRING ANY PERSON, PROPERTY OWNER, RENTOR OR AGENT CHARGED WITH VIOLATING A CITY REGULATION OR STATE STATUTE TO BE RESPONSIBLE FOR THE COSTS OF ANY FIRE OR RESCUE SERVICES PROVIDED BY THE CITY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (FIRST READING)

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[Ordinance 01-24 - Recovery of Fire Costs - Legal Review](#)
[BIE--Ord 01-24 Amd Code to allow for recovery of costs for Fire Services](#)
[ord 01-24 Fire costs and services](#)

Ms. Gelin entered Ordinance No. 01-24 into the record.

A motion was made by Vice-Mayor Casale, seconded by Commissioner Burns, that this Ordinance be approved. The motion carried by the following vote:

Yes: 5 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, Vice-Mayor Casale, and Mayor Carney Jr.

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Requested a meeting with the Finance Department, Pensions Boards, and Commission to discuss the unfunded pension liabilities for the Police and Fire Departments. There was a consensus to schedule a meeting.

Reminded the Commission that the next quarterly Town Hall will be held on April 25, 2024. The topics will be sustainability and residency.

B. City Attorney

Requested a Special Meeting on April 30, 2024, at 2:00 p.m. to accept the report and findings of the Special Investigation Report by the outside counsel.

A motion was made by Vice Mayor Casale, seconded by Commissioner Burns to approve a Special Meeting on April 30, 2024, at 2:00 p.m. to accept the report and findings of the Special Investigation Report by the outside counsel.

The vote was as follows:

Yes: 5 - Mayor Carney, Vice Mayor Casale, Deputy Vice Mayor Long, Commissioner Burns, and Commissioner Markert

approved

C. City Commission

Vice Mayor Casale:

Requested engaging in further discussion on the Atlantic Avenue Overlay.

Discussed amending the rule requiring when a super-majority vote was required.

Requested Mr. Moore provide a list from the various departments of what they were working on for the Commission prior to the Goal Setting Meeting.

Commissioner Burns:

Stated she attended the "Let's Move Campaign" for March in West Palm Beach. She noted Delray Beach came in third place and won a one-thousand-dollar check.

Requested the Special Event Policy be changed to allow the City to contribute funds to Ms. Andrea Bruton's "Let's Move Campaign" event. There was a consensus to fund Ms. Bruton's event.

Mayor Carney:

Stated the importance of engaging with the taxpayers before any decisions were finalized regarding the pension funds and the golf course.

Asked for a consensus to change the time to enforce weekday parking on the beach from 8:00 a.m. - 9:00 a.m.

A motion was made by Vice Mayor Casale, seconded by Commissioner Burns to modify the weekday parking enforcement time on the beach to 9:00 a.m.

The vote was as follows:

Yes: 5 - Mayor Carney, Vice Mayor Casale, Deputy Vice Mayor Long, Commissioner Burns, and Commissioner Markert

approved

Requested the Commission's permission to allow him to step down from the Transportation Planning Agency (TPA) and appoint Deputy Vice Mayor Long as the Chairman and Commissioner Markert as the alternate.

Vice Mayor Casale moved the request, seconded by Commissioner Markert.

The vote carried as follows:

Yes: 5 - Mayor Carney, Vice Mayor Casale, Deputy Vice Mayor Long, Commissioner Burns, and Commissioner Markert

approved

11. ADJOURNMENT

There being no further business to discuss, Mayor Carney adjourned the meeting at 9:36 p.m.

The City shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the City. Please contact the Human Resources Department at (561) 243-7125 at least 24 hours prior to the program or activity for the City to reasonably accommodate your request. Adaptive listening devices are available for meetings in the Commission Chambers.